

2. Applicants note with appreciation that the rejection of claims 63-71, 76 and 77 under 35 U.S.C. 112, second paragraph, has been withdrawn.

3. Applicants enclose herewith appropriate documentation for compliance with the sequence requirements of 37 CFR 1.821 through 1.825.

4. Claims 62 and 72-75 are rejected under 35 U.S.C. 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants traverse this rejection to the extent it is maintained in light of the amended claims.

Applicants maintain the arguments of record and contend that the claimed subject matter is amply described in the specification. Applicants specifically direct the Examiner's attention to page 9, lines 26-29 and page 19, line 4-page 23, line 3. The referenced passages demonstrate that Applicants were in possession of a broad array of methods for identifying agents which ameliorate, in whole or in part, the effects of loss of function of a patched gene.

Nevertheless, to expedite prosecution of claims directed to commercially relevant subject matter, Applicants have amended claim 62 to more explicitly point out the claimed subject matter. Applicants' amendment in no way indicates acquiescence to the rejection, and Applicants reserve the right to prosecute claims of similar or differing scope. Furthermore, Applicants' cancellation of claims 72 and 73 renders the rejection of those claims moot. In light of Applicants' cancellation of and amendments to the claims, reconsideration and withdrawal of this rejection is respectfully requested.

5. Claims 61-63, 65, 68, 70, 72 and 74-77 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Li et al. Applicants traverse this rejection to the extent it is maintained in light of the amended claims.

For a cited reference to be anticipatory, it must teach each and every limitation of the pending claims. The experiments presented in Li et al. were carried out in vivo in whole *Drosophila* embryos. Li et al. neither teaches nor suggests methods of inhibiting hedgehog signaling in mammalian cells or tissues cultured ex vivo. Accordingly, to expedite prosecution

of claims directed to commercially relevant subject matter, Applicants have amended the claims to explicitly point out that the cells used in the present methods are mammalian cells provided in culture. Applicants' amendments are not in acquiescence of the previous grounds of rejection, and Applicants reserve the right to prosecute claims of similar or differing scope.

Reconsideration and withdrawal of this rejection are respectfully requested.

6. Claim 61 is rejected under 35 U.S.C. 102(a) as allegedly being anticipated by either of Noveen et al. or Hammerschmidt et al. Applicants traverse this rejection to the extent it is maintained in light of the amended claims.

For a cited reference to be anticipatory, it must teach each and every limitation of the pending claims. The experiments presented in Noveen et al. are carried out in cultured chick feather buds and the experiments presented in Hammerschmidt et al. are carried out in zebrafish embryos. Neither Noveen et al. nor Hammerschmidt et al. teach methods of inhibiting hedgehog signaling in mammalian cells or tissues cultured ex vivo. Accordingly, to expedite prosecution of claims directed to commercially relevant subject matter, Applicants have amended the claims to explicitly point out that the cells used in the present methods are mammalian cells provided in culture. Applicants' amendments are not in acquiescence of the previous grounds of rejection, and Applicants reserve the right to prosecute claims of similar or differing scope.

Reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Date: January 23, 2003

Customer No: 28120
Docketing Specialist
Ropes & Gray
One International Place
Boston, MA 02110
Phone: 617-951-7000
Fax: 617-951-7050

Respectfully Submitted,



David P. Halstead
Reg. No. 44,735